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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,955	06/20/2003	Apurva Dolatrai Naik	STL11224	9494

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EXAMINER

SNIEZEK, ANDREW L

ART UNIT PAPER NUMBER

2627

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/600,955

**Applicant(s)**

NAIK, APURVA DOLATRAI

**Examiner**

Andrew L. Snizek

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-11 is/are rejected.
- 7) ☒ Claim(s) 2 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following action is in response to applicant's paper filed 5/5/06. The Finality of this application mailed 1/6/06 is withdrawn in view of the newly discovered art.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Seaver et al. (4,937,689).

Re claim 4: Seaver et al. teaches a moveable assembly (figure 14), a circuitry connected to the moveable arm and providing a control signal thereto (column 4, line 65 – column 5, line 19) wherein the reference velocity is determined in accordance with a function such that a first derivative of the function with respect to time (acceleration) varies linearly with respect to time (column 5, lines 25-65).

Re claim 1: Seaver et al. teaches an arrangement that operates in a manner such that the reference velocity is based on a function that causes a first derivative with respect to time of this velocity to vary linearly with respect to time (column 5, lines 25-65)

Re claim 7: See figure 13 (actuator motor)

Re claim 8, 10: The claimed relative movement (claim 8) and the moveable assembly that rotates about an axis are satisfied by the arrangement depicted in figure 14.

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Re claim 9: The claimed stored program computing device is satisfied by microprocessor (figure 13)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seaver et al in view of Wakuda et al. (6,606,217).

The teaching of Seaver et al. is discussed above and incorporated herein. Claim 11 sets forth a linear movement of the head whereas Seaver et al. appears to teach a pivotally movement. Linear types of movements are well known as taught by Wakuda et al. (figure 1) as an alternative manner of moving a head across the disk. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a teaching in the arrangement of Seaver et al. so that the head would move in a alternate manner, linearly instead of in an arc shape.

6. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seaver et al. in view of Magee et al.

The teaching of Seaver et al. is discussed above and incorporated herein. Claims 3 and 6 additionally set forth the use of first and second functions that are used depending upon the location of the moveable arm with respect to a pre-designated distance from a target position. Although not taught by Seaver et al. such a feature is

well known in the art as taught by Magee et al. (figure 6 along with corresponding disclosure) to more accurately control head(s) position. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the two function approach as taught by Magee et al. into the arrangement of Seaver et al. to more accurately control the head(s).

***Allowable Subject Matter***

7. Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 12-13 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

The claimed method as set forth in claim 2/1 and apparatus as set forth in claim 5/4 that additionally has the function used for the first derivative to vary linearly with respect to time to be expressed as a distanced traveled, divided by a remaining time and multiplied by a constant is neither taught by nor an obvious variation of the art of record.

The claimed method as set forth in claim 12 that includes comparing a reference velocity with an actual velocity of a moveable arm to produce an error signal where the reference velocity is determined in accordance with a function that causes a first derivative with respect to time of the reference velocity to vary linearly with respect to

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time and to combine the error signal with a compensation signal derived from the current acceleration is neither taught by nor an obvious variation of the art of record.

***Response to Arguments***

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Snizek whose telephone number is 571-272-7563. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew L. Snizek  
Primary Examiner  
Art Unit 2627

A.L.S.  
9/3/06